

REMARKS

This is in response to the Office Action that was mailed on August 25, 2005. Claim 1 is amended to incorporate the recitation of claim 25, and claim 25 is accordingly cancelled, without prejudice. Claims 4 and 37 are amended in accordance with such disclosure as that in lines 24-31 on page 4 of the specification. Claim 37 is also amended in accordance with the original form thereof to supply an inadvertently omitted numeric value. Claims 27, 30, and 49 are amended based upon Example 4 in the specification. No new matter is introduced into the application by this Amendment. Claims 1-12, 14-18, 20-24, 26-32, 37, and 41-49 remain pending in the application.

Claim 37 was rejected under the second paragraph of 35 U.S.C. §112 as failing to define the invention properly. The claim has been amended to obviate this rejection.

Claims 1-12, 14-18, 20-29, 31, 32, 37, and 41-48 were rejected under 35 U.S.C. §102(b) as being anticipated by US 4,375,483 (Shuford). Claims 30 and 49 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shuford in view of US 4,612,204 (Huffman). The rejections are respectfully traversed.

All of the claims herein except for claims 27-30 and 49 (bread improver compositions) expressly require a minimum solids content of at least 15 weight-%. In some cases, the minimum is even higher. Thus the presently claimed compositions are significantly different from the compositions taught by Shuford. The compositions actually disclosed by Shuford

contain about 2 weight-% solids. See e.g. column 1, lines 32-35, and Example 2 in column 11.

The Shuford disclosure neither anticipates nor renders obvious the presently claimed invention.

The significant physical differences between the Shuford compositions and the presently claimed compositions are reflective of the very different objectives of the Shuford technology and the technology of the present invention. Shuford provides fat compositions for use in baking, griddling, broiling, frying, bun machine operations, deep fat frying, and in the preparation of eggs, or even as butter substitutes on toast. Column 8, lines 13-22. In contrast, the present invention provides coatings for snack foods, such as cheese-flavored coatings (Example 1), tomato sauce mixes (Example 2), etc.

The bread improver compositions of the present invention distinguish over the Shuford disclosure by their inclusion of enzyme.

All of the claims herein expressly require that the particle size distribution in the claimed compositions be monomodal. Claims 20-22 are limited to particular ways of achieving monomodal distribution. The Examiner argues that Shuford teaches monomodal distribution in Table I. Monomodal distribution in the context of the present invention is discussed in the last paragraph on page 5 of the specification. As pointed out therein, monomodal particle distributions can be achieved either by milling the components separately to a desired consistent particle size, or by blending the components and milling the blend or mixture together to the

desired size. It is not seen that Shuford teaches monomodal particle distribution in the sense of the present claims.

The Shuford reference is discussed in the present specification. As pointed out in lines 4-7 on page 2 of the specification, the combination of salt and lecithin is stated as providing a synergistic improvement of the anti-stick properties of the fat compositions in Shuford. Thus the Shuford disclosure teaches away from adhesion. *All of the presently claimed compositions have an adhesiveness*, measured by the collet adhesion test described in the specification, *of greater than 85%*. On page 4 of the Office Action, the Examiner questions the assertion that Shuford et al teach away from adhesion. Shuford expressly states that “it has been found that the combination of salt and lecithin synergistically improves anti-sticking performance”. Column 1, lines 57-59.

Manifestly, the actual nature of the present invention differs significantly from anything disclosed in Shuford. Applicants respectfully submit that the claims in their present form now recite sufficient characteristics of the present invention to avoid even semantic conflict with the Shuford disclosure.

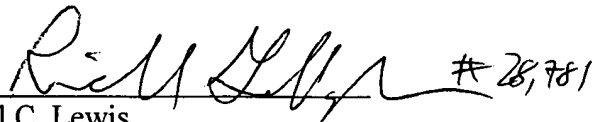
Application No.: 10/030,966

Docket No.: 0290-0180P

If the Examiner has any questions concerning this application, he is respectfully requested to contact Richard Gallagher (Reg. No. 28,781) at (703) 205-8008.

Dated:

Respectfully submitted,

By  #28,781
Paul C. Lewis
Registration No.: 43,368
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant